

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Lamont Ruth**
Docket No. **279717**
L.C. No. **07-006973-01**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The prosecutor's confession of error is accepted and defendant's conviction and sentence are VACATED. The trial court erred in denying defendant's motion to suppress and the evidence must be suppressed as the fruit of an unreasonable seizure and search in violation of the Fourth Amendment of the United States Constitution because the police officer had no reasonable suspicion of criminal activity or suspicion that defendant was armed sufficient to warrant the seizure of defendant and subsequent search of his bag. *Terry v Ohio*, 392 US 1, 27; 88 S Ct 1868; 20 L Ed 2d 889 (1968). The matter is REVERSED and REMANDED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 30 2008

Date

Sandra Schultz Mengel
Chief Clerk